

FILED
1/2/2024

EW

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

**In the United States District Court
For the Northern District of Illinois
Eastern Division**

**Shenzhen Kunshengze
Electronic Commerce Co., Ltd.,**

Plaintiff

v.

Custom-sign

Defendant

Case No. 23-CV-16109

CUSTOM-SIGN MOTION TO DISMISS

The Defendant respectfully submits this Motion to Dismiss pursuant to **28 U.S. Code § 1332** based on jurisdictional grounds and improper venue pursuant to **28 U.S.C. § 1391**. The grounds for dismissal are articulated as follows:

1. **Arbitrary Jurisdictional Selection:** The Plaintiff's unilateral choice of Illinois as the jurisdiction for this lawsuit lacks foundation, given the absence of substantial ties for either party within the Northern District of the State of Illinois.
2. **Failure to Adhere to Correct Jurisdiction:** The Plaintiff neglected to pursue legal action in the appropriate jurisdiction. Notably, a diversity of citizenship exists between the Defendant, a United States business entity owned by a U.S. citizen, and the Plaintiff, an entity formed under the People's Republic of China and owned by a Chinese citizen.
3. **Targeting of Chinese Businesses:** The Plaintiff expressly declares in the complaint that the focal point of their lawsuit encompasses Chinese businesses in direct competition with them. This selective targeting, coupled with the arbitrary jurisdictional choice, raises concerns about the appropriateness of the Plaintiff's claims and failure to seek relief in its own Republic of China.

Pursuant to relevant law based on jurisdiction alone, conditions adjudicating this matter are not met. Defendant is situated in the United States and a diversity of citizenship indicates the case the Plaintiff makes must be situated in a different court.

The Plaintiff's initiation of this lawsuit reflects a lack of due diligence, as evidenced by incorrect factual statements within the complaint.

In light of the aforementioned jurisdictional irregularities, the Defendant respectfully requests that this Honorable Court dismiss the case, preserving judicious allocation of court resources. Hasty action is imperative to safeguard the interests of the small businesses with limited legal resources whom the Plaintiff is seeking settlement from despite meritless statements set forth in their complaint. Thank you for your attention to this matter.

By: Custom-Sign

/s/ Chang Lee